

## **Remarks**

### **Introduction**

Claims 51-56, 58, 60-81, 83, and 85-100 were pending in the above-identified patent application.

In the Office Action, claims 51, 52, 54-56, 58, 60, 61, 68, 69, 71, 76, 77, 79-81, 83, 85, 86, 93, 94, and 96 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lawler et al. U.S. Patent No. 5,805,763 ("Lawler"). Claims 53 and 78 were rejected under 35 U.S.C. § 103(a) as being obvious from Lawler in view of Hendricks et al. U.S. Patent No. 5,600,364 ("Hendricks"). Claims 62, 65, 66, 72, 74, 75, 87, 90, 91, 97, 99, and 100 were rejected under 35 U.S.C. § 103(a) as being obvious from Lawler in view of Matthews III et al. U.S. Patent No. 6,025,837 ("Matthews"). Claims 63, 64, 67, 69, 70, 88, 89, 92, 94, and 95 were rejected under 35 U.S.C. § 103(a) as being obvious from Lawler in view of Shoff et al. U.S. Patent No. 6,240,555 ("Shoff"). Claims 73 and 98 were rejected under 35 U.S.C. § 103(a) as being obvious from Lawler in view of Lawler et al. U.S. Patent Publication No. 2005/0160452 ("Lawler2").

The claim rejections were upheld in the Notice of Panel Decision from Pre-Appeal Brief Review.

### **Applicants' Reply**

Applicants have amended claims 51, 58, 76 and 83 to more particularly define the claimed invention. The claim amendments are fully supported by the application as originally filed and therefore do not add new matter. The Examiner's rejections of applicants' claims are respectfully traversed.

Applicants' amended independent claims 51 and 76 are directed to a system and a method for using an interactive television program guide system in which an interactive television program guide is implemented on user television equipment. Program guide data for a program associated with a program listing displayed in the interactive program guide is accessed. As the user browses through the interactive program guide, the program listing is identified in order to determine a potential upcoming need for supplemental data associated with the program listing. The program guide data is stored in local memory in the user

television equipment while the supplemental data is stored in remote memory at a location remote from the local memory. In response to determining the potential upcoming need, the supplemental data is automatically supplied from the remote memory to the interactive television program guide in advance of the upcoming need.

Applicants' specification clearly distinguishes between program guide data and supplemental data. In particular, program guide data, which is stored in local memory in the user television equipment, includes information such as program listings, brief program descriptions, and other frequently-requested information that the user needs quick access to (*see* page 4, lines 26-30 and page 18, lines 24-29 of applicants' specification). This type of data is available to the user as the user browses through the program guide, and can be quickly accessed by the user at any time (page 5, line 23 through page 6, line 5). In contrast, supplemental data, which is stored in remote memory at a location remote from the local memory, includes detailed information such as detailed descriptions of programs, advertisements, and interactive applications (page 4, line 31 through page 5, line 7). This type of data is not sent to the user equipment until it is clear that the user wants or may soon want it (page 19, lines 10-30).

Lawler refers to obtaining program schedule information for a row or column outside a roam area (i.e. outside the visible columns and rows of a program grid) when a focus frame is moved to that row or column (*see* col. 9, lines 9-34 of Lawler). Lawler also refers to determining whether the focus frame has been moved outside the roam area by monitoring whether a navigation key of an input device has been pressed (col. 14, lines 16-29). Lawler therefore refers to accessing program schedule information only after a user has established a need for the program schedule information.

However, Lawler does not disclose first accessing program schedule information for a program listing displayed in the program grid from local memory, and subsequently accessing more detailed program schedule information for the same program listing from remote memory in response to determining a potential upcoming need. At most, Lawler refers to not accessing program schedule information for a program listing until a user has moved a focus frame to that program listing (or to the row or column of that program listing), indicating a need for the program schedule information. In other words, for any given program listing,

Lawler discloses only retrieving one set of information (i.e., the program schedule information), and this retrieval is performed when the focus frame enters the roam area. Nowhere does Lawler disclose accessing a first set of information (i.e., "program guide date") and later accessing a second set of detailed information (i.e., "supplemental data") for a single program listing, as required by applicants' claimed invention.

It is axiomatic that for a reference to anticipate a claim, it must necessarily show each and every element of the claim. However, as demonstrated above, Lawler fails to show "accessing program guide data for a program associated with a program listing displayed in the interactive program guide, wherein the program guide data is stored in the local memory," "identifying the program listing, as the user browses through the interactive program guide, to determine a potential upcoming need for supplemental data associated with the program listing, wherein the supplemental data is stored in the remote memory," and "responsive to determining the potential upcoming need, automatically supplying the supplemental data from the remote memory to the interactive television program guide in advance of the upcoming need," as recited by amended independent claims 51 and 76. Furthermore, Hendricks, Matthews, Shoff and Lawler<sup>2</sup>, which the Examiner uses in the rejection of other elements of applicants' dependent claims, do not make up for the deficiencies of Lawler relative to the rejection.

For at least these reasons, applicants respectfully submit that amended independent claims 51 and 76, and dependent claims 52-56, 58, 60-75, 77-81, 83, and 85-100, which depend variously from independent claims 51 and 76 are allowable over the art of record. Applicants therefore respectfully request that the rejections of claims 51-56, 58, 60-81, 83, and 85-100 be withdrawn.

### Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration of claims 51-56, 58, 60-81, 83, and 85-100 in light of the foregoing remarks is respectfully requested.

Respectfully submitted,

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